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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/467,669 12/19/99 RASMUSSEN

D 3115.1000

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TM21/0710

EXAMINER

BADERMAN, S

ART UNIT

PAPER NUMBER

2184

DATE MAILED:

07/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/467,669

Applicant(s)

Rasmussen et al.

Examiner

Scott T. Baderman

Group Art Unit

2785

☒ Responsive to communication(s) filed on Dec 19, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-106 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-106 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2785

Examiner: Scott T. Baderman

United States Department of Commerce

Patent and Trademark Office

Washington, D.C. 20231



## DETAILED ACTION

### *Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-45, 48- 53, 55, 57, 63-69, 71-72, 74, 77, 93-98, 100-101 and 104-105, drawn to a control system comprising, specifically, multiple processors, a voting system which compares the processors with one another and a selection system which selects one of the processors in response to the comparison, classified in class 714, subclass 11.

Art Unit: 2785

- II. Claims 46, 58, 59, 60, 61, 62, 99 and 102, drawn to a control system comprising, specifically, multiple processors and a timer system for synchronizing between the processors, classified in class 709, subclass 400.
- III. Claims 56, 78 and 106, drawn to a channel transmission validity testing system, classified in class 714, subclass 712.
- IV. Claims 54, 73, 75, 76 and 92, drawn to a control system, comprising multiple processors, which locates faults during channel transmission, classified in class 714, subclass 43.
- V. Claims 79-85 and 87-91, drawn to an enclosure for circuit boards, classified in class 361, subclass 600.

*\*\* Note: Claims 47, 70 and 86 do not show which claim(s) they depend from. Also, Claim 103 depends from claim 111, which does not exist. Based on these reasons, these claims are not included in the above restriction.*

- 2. The inventions are distinct, each from the other because of the following reasons:  
Inventions, as defined in groups I-V, are related as subcombinations disclosed as usable together

Art Unit: 2785

in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as voting and selecting from a plurality of processors. Invention II has separate utility such as synchronizing timing signals between a plurality of processors. Invention III has separate utility such as testing the validity of channel transmission. Invention IV has separate utility such as locating faults in a communication environment between a plurality of processors. Invention V has separate utility such as enclosing the control system described in the above claims. See MPEP § 806.05(d).

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to Henry Kohlmann (Reg. # 26,672) on April 6, 2000 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 2785

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T. Baderman whose telephone number is (703) 305-4644.

STB

April 8, 2000

  
ROBERT W. BEAUSOLIEL, JR.  
SUPERVISORY PATENT EXAMINER  
GROUP 2700